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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/019,064

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Christian Havlis

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EXAMINER

UBILES, MARIE C

ART UNIT

PAPER NUMBER

2642

9

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/019,064

Applicant(s)

HAVLIS ET AL.

Examiner

Marie C. Ubiles

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-35 is/are rejected.
- 7) ☒ Claim(s) 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 22 and 23 are objected to because of the following informalities: "the calling subscriber and *is* arranged". It seems to the Examiner that the use of the verb "is" is unnecessary and confusing. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 8-9, and 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 18 recites the limitation "in it" in line 4. Claims 9 and 19 recites the limitation "their operator" in line 4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3-7, 14-17 and 22-23 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Livanos (US 5,311,574).

As for claim 22, Livanos a method of processing requests directed to an operator service of a telecommunication network (See *Fig. 1, ACD 140*) when the network operators (or agents) are unavailable (See *Abstract and Technical Field, Col. 1, lines 6-9*), comprising, generating an entry as a call-back entry with information which includes at least one of a call address concerning a calling subscriber (or calling line ID) and information representing the calling subscriber and arranged in sequence in a waiting field or queue 190 (See *Description, Col. 4, lines 18-59*), one of the requests or a connection arising from the calling subscriber being terminated (See *Description, Col. 7, lines 19-23 and Fig. 7, Steps 712 & 800*); establishing a call-back connection between the calling subscriber specified by the call address and an operator or a connection line when an operator of a connection line becomes free, on the basis of the information of the at least one entry (See *Fig. 8, Steps 800/808/810/812/814/816 and Description, Col. 7, lines 31-43*) wherein at least one of the first entries in the waiting field is taken from the waiting field (See *Description, Col. 4, lines 30-34*).

Claim 23 is rejected for the same reasons as claim 22, the limitation specifying "a call-back connection directed at the subscriber specified by the call address is initiated and maintained" is disclosed by Livanos on Fig. 8, Steps 812-817.

As for claims 3-4 and 14-15, the claimed limitations are disclosed by Livanos on Figs. 2 (*Steps 208-218*) through Fig. 5.

Claims 5-6 and 16-17 limitations read on Col. 5, lines 48-52 and Col. 6, lines 27-40 of Livanos' system.

Claim 7 limitations are disclosed by Livanos' system on Col. 6, lines 27-30.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8-10, 12-13, 18-20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livanos (US 5,311,574) in view of Srinivisan (US 5,185,782).

As for claims 8-10 and 12-13, Livanos discloses the system as claimed except for wherein an operator of a connection line becomes free, at least one of the first entries in the waiting field is taken from the waiting field, the information of the at least one entry is supplied to the free operator and, on the basis of the information of the entry, the operator calls back the subscriber specified in it; wherein the instructions originating from the calling subscriber and concerning an operator selection are used when generating the call-back entry and, when taking an entry, those entries which include the free operator in their operator selection are considered; wherein at least one of those entries for which the remaining waiting time is expected to be below a predeterminable threshold value is taken from the waiting field and a call-back connection is initiated; wherein the operator service is formed by a number of subscriber lines arranged in the telecommunications network and combined to form a subscriber group; wherein the subscriber group is connected via predetermined number of connection lines or connection channels to the telecommunication network.

In regard to the aforementioned limitations, Srinivisan teaches an automatic call-back arrangement for an ACD system. The arrangement collects and stores the telephone number from which a call is incoming (ANI), estimates how long the call will have to hold in queue before it is answered, and, if the waiting time exceeds a predetermined maximum, prompts the caller to choose between holding or receiving a return call if the caller is a valid-account holder. If the caller chooses a return call, the arrangement prompts the caller for callback time and time-period. The arrangement then verifies whether the caller is a valid account holder (i.e. wherein the operator

service is formed by a number of subscriber lines arranged in the telecommunications network and combined to form a subscriber group). If so, the arrangement places an outgoing call to the stored telephone number when the callback time arrives. If the call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call, until the call gets through or the callback time-period expires (i.e. wherein at least one of those entries for which the remaining waiting time is expected to be below a predeterminable threshold value is taken from the waiting field and a call-back connection is initiated). When it places the outgoing call, the arrangement connects the originating end thereof to an ACD agent to handle the call. (See *Abstract*).

As per the limitations specifying "the information of the at least one entry is supplied to the free operator and, on the basis of the information of the entry, the operator calls back the subscriber specified in it" and "...those entries which include the free operator in their operator selection are considered", are taught by Srivinishan on Col. 7, lines 26-41, Fig. Steps 608-611 and Fig. 8, Steps 659-661 (as read on "reserved agent" and connecting the call to the "reserved agent").

Besides the use teachings about verifying that the caller is a valid account holder, the limitations on claims 12-13 are taught on Fig. 1 and Col. 3, lines 26-34. The "subscriber lines" read on telephones 112, and the "connection lines" read on trunks 105.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Livanos by further adding the features taught by

Srvinisan; and thus in this manner allow a caller to specify when a call will be returned, thereby ensuring that calls are returned at the original caller's convenience.

Claims 18-20 and 24-25 are rejected for the same reasons as claims 8-10 and 12-13.

7. Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livanos (US 5,311,574) in view of Reichelt (US 5, 764, 746).

Livanos discloses the system as claimed except for the limitation specifying "wherein the information indicating that an operator or a connection line has become free is transmitted in the direction of the calling subscriber with the aid of the Transaction Capabilities Part Protocol (TCAP), on the basis of the Signaling System No. 7, the initiation of the call-back connection taking place on the side of the calling subscriber."

In regard to this limitation, Reichelt teaches "...after the first subscriber activates the hold-call-back feature, the first end office serving the first subscriber transmits a Transaction Capabilities Application Part (TCAP) message instructing the second end office serving the second subscriber to queue a request towards the second subscriber terminal. Whenever the second subscriber takes the first subscriber off of call hold, the second end office transmits another TCAP message informing the first end office of the second subscriber's action." (See *Summary, Col. 2, lines 10-17*).

It is inherent that TCAP is a protocol of SS7.



It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Livanos' system by adding Reichelt teachings and thus in this manner perform the call back service by the end office serving the held subscriber once the call connection has been reestablished.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Livanos (EP 0,539, 105) teaches an automatic customer call back method for ACDs.

Hammond (EP 0,587,950) teaches an automatic call back system and method of operation.

Takeuchi (US 2002/0101977) teaches an incoming call processing method and apparatus.

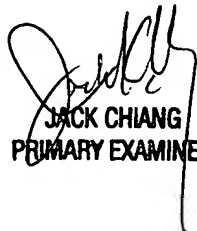
Goss (US 6,687, 241) teaches an enterprise contact server with enhanced routing features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles  
June 25, 2004.

  
JACK CHIANG  
PRIMARY EXAMINER